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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,254	06/15/2001	Hugh Boyd Morrison	RCA 89185	6997

7590 09/21/2007  
Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
PO Box 5312  
Princeton, NJ 08540

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/868,254

Applicant(s)

MORRISON ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer, (U.S. PG-PUB 2005/0138660), in view of Knudson, (US-PG-PUB 2005/0273819) & LeMole, (U.S. Pat # 6,009,410).

Considering claim 1, the amended claimed method for operating a video processing apparatus, such that the video processing apparatus operates in a video-operating mode and in at least one other mode, and wherein the video processing apparatus has an EPG operable in the video operating mode and not in the at least one other mode', is met by the disclosure of Boyer, (Fig. 2), which shows the standard operating mode of an EPG.

‘Operating the video processing apparatus in at least one other mode, comprising operating a computer application software program on the video processing apparatus, such that the computer application software program is capable of receiving messages’ is met by the disclosure of Boyer, that the user equipment, multimedia system 28, 3, 32 is enabled to support e-mail technology, (Fig. 1; Para [0042]-[0043]). . The claimed computer application software program, reads on the e-mail service disclosed in Boyer. The amended claimed feature of the computer application software program having a display, reads on the display of Fig. 6 .

‘Receiving an advertisement associated with a broadcast TV program, while the computer application software program is running’ is met by Fig. 6; Para [0051]-[0052], which shows an advertisement for a TV program being received via e-mail. ‘Causing the advertisement to be displayed by the computer application software program in an area of the display’, is also met by Boyer, Para [0051].

‘receiving a signal selecting the advertisement’ and ‘operating the video processing apparatus in the video operating mode to obtaining the TV program related to the advertisement’, Boyer does not specifically show that the subscriber can select the advertised program, for tuning, from the reminder. Nevertheless Knudson, which is in the same field of endeavor, teaches a subscriber choosing to immediately tune to an advertised program, see Para [0068]-[0069], using a TUNE button 129b, (Fig. 9). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Boyer in order to automatically tune to

Art Unit: 2623

the reminder, at least for the advantage of avoiding the need for the user to require a different screen in order to access the advertised program.

As for the further claimed limitation that the 'advertisement is associated with a broadcast TV program, specified by a service provider', Knudson Boyer are ambiguous. However, LeMole teaches that viewer may complete a registration that indicates that user would like to receive web advertisements regarding the selected interests, such as TV programs or movies, see Fig. 2 & col. 1, lines 55-65 & col. 4, lines 34-67. Thus the combination of Boyer, Knudson & LeMole provides that a web advertisement regarding television programming is displayed, while the user is viewing a web page. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Boyer with feature of allowing the user to customize advertisements on a web screen, at least for the benefit of providing the user with advertisements that are more meaningful, as taught by LeMole, col 1, lines 15-65.

Considering claims 2 & 8-9, the e-mail technology of Boyer meets the claimed subject matter.

Considering claim 3-4, the claimed 'control information' reads on the disclosure of Fig. 6 in Boyer & Fig. 9 of Knudson.

Considering claim 5, see Knudson, Para [0068]-[0069]; [0084]-[0085].

Art Unit: 2623

Considering claim 6-7, the claimed method steps for operating a video processing apparatus comprising steps that correspond with subject matter mentioned above on the rejection of claim 1, are likewise treated.

Considering claim 10, see Knudson [0068] & [0084].

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2623

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**